

Introduced by Senator Leno

February 18, 2016

An act to amend Section 3262 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1163, as introduced, Leno. Firefighters: rights and protections.

Existing law, the Firefighters Procedural Bill of Rights Act, grants certain rights to firefighters, as defined, including specified protections during investigations and interrogations, protection from punitive actions or denial of promotion on grounds other than merit, and political activity rights. The act provides that these protections apply only during events and circumstances involving the performance of the firefighter's official duties.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, governs local emergency medical service systems and establishes the Emergency Medical Services Authority, which is responsible for the coordination and integration of all state activities concerning emergency medical services. Existing law provides that emergency medical personnel have specified due process rights when they are subject to suspension or termination for disciplinary cause or reason, as defined.

This bill would amend the Firefighters Procedural Bill of Rights Act to specify that when a firefighter-EMT or paramedic is subject to certification or licensure action, the firefighter due process procedures are applicable to that punitive action.

By adding to the duties of local agencies to comply with the Firefighters Procedural Bill of Rights Act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) When rendering lifesaving services to the public, firefighters
4 and emergency medical service (EMS) personnel are subject to
5 numerous job safety procedures and protocols, which, in rare
6 instances, can become compromised or altered in a highly charged
7 atmosphere of critical incident stressors.

8 (b) Recognizing that fire service first responders who trust their
9 training and instincts in these volatile emergency situations are
10 deserving of due process rights and protections when such instances
11 arise, the Legislature and Governor appropriately approved the
12 Firefighters Procedural Bill of Rights Act in 2007 (Chapter No.
13 591, Statutes of 2007).

14 (c) The Firefighters Procedural Bill of Rights ensures that
15 common-sense principles of fairness and professionalism are
16 followed whenever a firefighter, or firefighter-paramedic or
17 emergency medical technician (EMT) is party to an investigation
18 or is questioned for alleged misconduct that may result in punitive
19 action.

20 (d) When a firefighter is required, as a condition of employment,
21 to maintain a paramedic license or EMT certificate, his or her
22 license or certificate is subject to the state's Emergency Medical
23 Services (EMS) Act.

24 (e) While being bound by the state's EMS Act, EMT certifying
25 and paramedic licensing entities are also bound by the provisions
26 of the Firefighters Procedural Bill of Rights when a
27 firefighter-EMT or paramedic is faced with licensure or
28 certification action.

1 (f) To ensure the uniform application of the state's EMS Act
2 and Firefighters Procedural Bill of Rights in these instances, both
3 acts must be harmonized by clarifying that where a firefighter-EMT
4 or paramedic is subject to certification or licensure action, the due
5 process procedures afforded are applicable in any circumstance
6 that may result in a job-related punitive action.

7 SEC. 2. Section 3262 of the Government Code is amended to
8 read:

9 3262. The rights and protections described in this chapter shall
10 only apply to a firefighter during events and circumstances
11 involving the performance of his or her official ~~duties~~. *duties or*
12 *during events and circumstances giving rise to disciplinary cause*
13 *or reason pursuant to Section 1799.112 of the Health and Safety*
14 *Code or giving rise to disciplinary action pursuant to subdivision*
15 *(d) of Section 1797.194 of the Health and Safety Code.*

16 SEC. 3. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.